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C O R R E C T E D COPY CAPTION AND CLASSIFICATION

DEPARTMENT FOR IO/UNP - EDMONDSON; CA/VO/L/C - SMITH;  
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TAGS: [OFDP](#) [CVIS](#) [CU](#) [UN](#)  
SUBJECT: CUBA PROTESTS DELAY IN OFFICIAL VISA ISSUANCE

11. (U) Summary and Action Request: USUN seeks Department's guidance in replying to Cuba's note verbale (text in paragraph 3) which protests the USG's delay in issuing a visa to Cuban government expert Jose Rufino Menendez Hernandez, who had made timely application to attend an official UN meeting. As the Cuban Permanent Representative has formally requested that the Chair (Cypriot Permanent Representative) of the UN Committee on Relations with the Host Country distribute the note verbale as an official document of the Committee, USUN must provide a written reply for the record, which will also be circulated as a Committee document. Both documents will likely be discussed/examined at the Committee's next meeting. End Summary and Action Request.

12. (U) At the request of Secretary General Ban Ki-Moon, the Cuban government selected Jose Rufino Menendez Hernandez, Director of the Center for Disarmament and International Security Studies in Cuba, to serve as an expert to participate in the first session of the Group of Governmental Experts constituted by the UN Secretary General under UN General Assembly Resolution 61/89 to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument for the import, export and transfer of conventional arms. The meeting appears on the UN Calendar of Conferences and Meetings and was held as scheduled February 11-15 at UN HQ in NYC. Cuba alleges that it submitted the application to USINT on January 11 through a Note Verbal (046) dated January 9, 2008. The applicant did not receive his visa until February 21, six days after the meeting had concluded. Cuba considers the USG's failure to issue this visa in a timely manner a breach of U.S. international obligations as Host Country, specifically those related to timely issuance of entry visas for representatives of Member States to attend UN meetings, under the U.S.-UN HQ Agreement (section 11, Article IV) and UN General Assembly Resolution 62/72.

13. (U) Begin text of Cuban Note Verbale #98 dated February 25, 2008 --  
The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and has the honor to refer to the first session of the Group of Governmental Experts constituted by the Secretary-General of the United Nations under General

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Assembly resolution 61/89, with the mandate to review the viability, scope and parameters of a draft comprehensive and

legally-binding instrument establishing common international rules for the import, export and transfer of conventional weapons, held from 11 to 15 February 2008, at the Headquarters of the United Nations in New York.

The UN Secretary-General invited Cuba to nominate an expert to participate in such Group, and the Cuban authorities decided on appointing Mr. Jose Rufino Menendez Hernandez, Director of the Center for Disarmament and international Security Studies of Cuba.

In order for the Cuban expert to be able to participate in the first working session of the Group of Experts, his visa application was submitted to the US interest Section in Havana, on 11 January 2008, through Note Verbale No. 046 of 9 January 2008.

However, Mr. Menendez Hernandez could not travel to New York to participate in said meeting, due to the fact that his visa application remained unaddressed by the Host Country authorities until after the conclusion of the aforementioned Group of Experts' works. The telephone communication of the US Interest Section in Havana was received on Thursday, 21 February 2008, six days after the meeting finished.

Such delay is unjustifiable, for the procedures for the visa application were carried out in accordance with the procedures established by the host country authorities.

The Permanent Mission of Cuba to the United Nations wishes to express its protest for the late issuing of Mr. Menendez's visa, and once again calls on the Host Country authorities to honor their international obligations as host of the United Nations, specifically those related to the timely issuing of entry visas for the representatives of Member States to attend United Nations meetings, under section 11 of article IV of the 'Agreement between the United Nations and the United States of America relative to the United Nations headquarters', and Resolution 62/72 of the UN General Assembly.

The Permanent Mission of Cuba to the United Nations hopes that in the future, similar situations are not repeated, for they affect the effective exercise by Cuba of its legitimate rights as Member States of the United Nations.

The Permanent Mission of Cuba to the United Nations avails itself of this opportunity to renew to the US Mission to the United Nations the assurances of its consideration. End text.

14. (U) Action Request - USUN requests that Department provide the text of a reply to the Cuban note so that it can be circulated to member states as a Host Country Committee document.

15. (SBU/NOFORN) Comment: Government officials applying for official (G) visas at American embassies in Moscow, Damascus, and Vienna or Bern (Iranian officials often apply in Vienna or Bern for lack of a US embassy in Tehran)-in addition to those applying at USINT Havana--in order to come to UN meetings, frequently encounter delays in visa issuance because of the SAO clearance process, even though USUN has repeatedly advised the UN Missions that applicants from those countries should apply well in advance. The UN delegations from countries whose nationals require SAO clearances complain frequently that the length of the "administrative processing" interferes with their mission operations and functioning, deprives them of their full participation in UN meetings, and prevents them from substituting a replacement delegate or additional representatives for their UN delegations when the primary delegate may not be able to travel (either because his or her visa has not been approved or for other reasons) or when changing schedules so demand. Often when such a government-designated individual cannot attend an official UN meeting because of the US delay in visa issuance caused by the lengthy "administrative processing", the Cubans and Russians, in particular, complain in the Committee on Relations with the Host Country. The other

members of the Committee and the numerous observer delegations in attendance are sympathetic to the criticisms leveled against the U.S. as Host Country on visa delays, which are often seen as outright visa refusals. Eventually, we expect that a critical mass of frustration will be reached, and the Committee would then request a legal opinion from the UN Legal Counsel on whether such delays in visa issuance constitute a breach by the US of our Host Country obligations. End comment.  
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